

# House File 333 - Introduced

HOUSE FILE \_\_\_\_\_  
BY BAUDLER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to exotic wild animals, by providing for  
2 restrictions upon ownership, possession, and movement,  
3 providing for licensure and disciplinary action, providing for  
4 fees and appropriations, and providing penalties.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 1602YH 82  
7 da/es/88

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1 1 Section 1. NEW SECTION. 717F.1 DEFINITIONS.  
1 2 1. "Animal warden" means the same as defined in section  
1 3 162.1.  
1 4 2. "Department" means the department of agriculture and  
1 5 land stewardship.  
1 6 3. "Electronic identification device" means a device which  
1 7 when installed is designed to store information regarding an  
1 8 animal or the person who owns or possesses the animal in a  
1 9 digital format which may be accessed by a computer for  
1 10 purposes of reading or manipulating the information.  
1 11 4. a. "Exotic wild animal" means any of the following:  
1 12 (1) A member of the family felidae of the order carnivora,  
1 13 limited to lions and tigers.  
1 14 (2) A member of the family ursidae of the order carnivora,  
1 15 limited to bears and pandas.  
1 16 (3) A member of the order of primates limited to gorillas  
1 17 and chimpanzees.  
1 18 b. "Exotic wild animal" includes an animal which is the  
1 19 offspring of an animal provided in paragraph "a", and another  
1 20 animal provided in that paragraph or any other animal. It  
1 21 also includes animals that are the offspring of each  
1 22 subsequent generation.  
1 23 5. "Possess" means to keep or control an exotic wild  
1 24 animal, or supervise or provide for the care and feeding of an  
1 25 exotic wild animal.  
1 26 6. "Proof of financial responsibility" means liability  
1 27 insurance coverage issued by a licensed insurer as defined in  
1 28 section 510A.2, an irrevocable letter of credit issued by a  
1 29 financial institution as defined in section 202C.1, or a  
1 30 surety bond furnished by a surety approved by the department.  
1 31 7. "Public agency" means the same as defined in section  
1 32 28E.2.  
1 33 Sec. 2. NEW SECTION. 717F.2 RULEMAKING == CHAPTER 28E  
1 34 AGREEMENTS == ASSISTANCE OF ANIMAL WARDEN.  
1 35 1. The department shall administer this chapter by doing  
2 1 all of the following:  
2 2 a. Adopting rules pursuant to chapter 17A for the  
2 3 administration and enforcement of this chapter.  
2 4 b. Entering into agreements with public agencies pursuant  
2 5 to chapter 28E as the department determines necessary for the  
2 6 administration and enforcement of this chapter.  
2 7 2. An animal warden shall assist the department in seizing  
2 8 and maintaining custody of exotic wild animals.  
2 9 Sec. 3. NEW SECTION. 717F.3 QUALIFICATIONS.  
2 10 A person shall not acquire ownership or possession of an  
2 11 exotic wild animal unless all of the following apply:  
2 12 1. The person is eighteen years old or older.  
2 13 2. The person has not been convicted of an offense  
2 14 involving the abuse or neglect of an animal pursuant to a law  
2 15 of this state or another state, including but not limited to  
2 16 chapter 717, 717B, 717C, or 717D or an ordinance adopted by a  
2 17 city or county.  
2 18 Sec. 4. NEW SECTION. 717F.4 LICENSURE == FEE ==

2 19 APPROPRIATION.

2 20 A person shall not own or possess an exotic wild animal  
2 21 unless the person is issued a license by the department as  
2 22 provided in this section.

2 23 1. The person must be issued the license within sixty days  
2 24 after acquiring ownership or possession of the exotic wild  
2 25 animal or transfer the exotic wild animal to a person who has  
2 26 been issued a license under this section.

2 27 2. The person shall apply for a license in a manner and  
2 28 according to procedures required by the department. The  
2 29 department shall prepare and publish a license application  
2 30 form for a person applying for a license. The license  
2 31 application form shall include all of the following:

2 32 a. The person's name, address, driver's license number,  
2 33 and telephone number.

2 34 b. A sworn affidavit that the person meets the  
2 35 requirements necessary to own or possess an exotic wild animal  
3 1 as provided in this chapter.

3 2 c. A complete inventory of each exotic wild animal which  
3 3 the person owns or possesses. The inventory shall include all  
3 4 of the following information:

3 5 (1) The number of exotic wild animals according to type.

3 6 (2) The number of the identification device implanted or  
3 7 attached to the exotic wild animal as provided in section  
3 8 717F.7, including the manufacturer's number of an electronic  
3 9 device implanted in or attached to the exotic wild animal.

3 10 (3) The address where each exotic wild animal is kept, and  
3 11 a description of the place of confinement where the exotic  
3 12 wild animal is kept.

3 13 (4) The approximate age, sex, color, weight, scars, and  
3 14 any distinguishing marks of each exotic wild animal.

3 15 (5) Proof of financial responsibility as provided in  
3 16 section 717F.5.

3 17 (6) Evidence that the person is maintaining a plan of  
3 18 veterinary care as provided in section 717F.6. The  
3 19 application shall include the name, business mailing address,  
3 20 and business telephone number of the licensed veterinarian who  
3 21 is responsible for providing care to the exotic wild animal.  
3 22 The information shall also include a statement signed by the  
3 23 licensed veterinarian certifying that the exotic wild animal  
3 24 is in good health.

3 25 3. A license shall expire on the first day of July  
3 26 following the date of issue and may be renewed pursuant to  
3 27 rules adopted by the department. Licenses shall be numbered  
3 28 and the person shall retain the number from year to year.

3 29 4. The department may charge a license fee for exotic wild  
3 30 animals owned or possessed by a person. The amount of the  
3 31 license fee shall not exceed twenty-five dollars for all  
3 32 exotic wild animals owned or possessed by the person. If a  
3 33 person applies for a license prior to July 1, the license fee  
3 34 shall be prorated. License fees collected by the department  
3 35 are appropriated to the department for the general  
4 1 administration of its operations and regulation of its  
4 2 programs.

4 3 Sec. 5. NEW SECTION. 717F.5 PROOF OF FINANCIAL  
4 4 RESPONSIBILITY.

4 5 A person shall not own or possess an exotic wild animal  
4 6 unless the person files proof of financial responsibility with  
4 7 the department as provided in this section.

4 8 1. The person must file the proof of financial  
4 9 responsibility with an application for the license as provided  
4 10 for in section 717F.4.

4 11 2. The proof of financial responsibility shall be in an  
4 12 amount of not less than one hundred thousand dollars. An  
4 13 insurance policy shall not have a deductible of more than two  
4 14 hundred fifty dollars for each occurrence of property damage,  
4 15 bodily injury, or death caused by each exotic wild animal  
4 16 owned or possessed by the person.

4 17 3. The proof of financial responsibility shall be  
4 18 continuous in nature until canceled by the issuer or surety.  
4 19 The issuer or surety shall provide at least ninety days'  
4 20 notice in writing to the person and the department indicating  
4 21 an intent to cancel the proof of financial responsibility and  
4 22 the effective date of the cancellation. The person shall have  
4 23 sixty days from the date of receipt of the notice of  
4 24 cancellation to file a replacement proof of financial  
4 25 responsibility. However, the issuer or surety shall remain  
4 26 liable for damages during the effective period of the proof of  
4 27 financial responsibility.

4 28 Sec. 6. NEW SECTION. 717F.6 PLAN OF VETERINARY CARE.

4 29 A person shall not own or possess an exotic wild animal

4 30 unless the person has a plan of veterinary care as provided in  
4 31 this section.

4 32 1. The person shall have a plan of veterinary care within  
4 33 sixty days after acquiring ownership or possession of the  
4 34 exotic wild animal.

4 35 2. The plan of veterinary care shall include at least all  
5 1 of the following:

5 2 a. Animal health schedules related to vaccinations,  
5 3 wormings, and feedings appropriate for the type of exotic wild  
5 4 animal.

5 5 b. Routine and emergency veterinary visits or  
5 6 consultations.

5 7 3. The plan of veterinary care shall be available for  
5 8 departmental review upon request by the department.

5 9 Sec. 7. NEW SECTION. 717F.7 IDENTIFICATION.

5 10 A person shall not own or possess an exotic wild animal  
5 11 unless the person provides for the identification of the  
5 12 exotic wild animal as provided in this section.

5 13 1. The person shall provide for the identification within  
5 14 sixty days after acquiring ownership or possession of the  
5 15 exotic wild animal.

5 16 2. The person shall provide for an electronic  
5 17 identification device implanted beneath the skin or hide of  
5 18 the exotic wild animal or provide for an alternative  
5 19 identification device, including a tag, which is attached to  
5 20 the exotic wild animal as determined by a licensed  
5 21 veterinarian. An alternative identification device which is  
5 22 attached to an animal on the effective date of this Act and  
5 23 approved by a licensed veterinarian shall meet the  
5 24 requirements of this section.

5 25 Sec. 8. NEW SECTION. 717F.8 PLACE OF CONFINEMENT ==  
5 26 MOVEMENT.

5 27 A person shall not own or possess an exotic wild animal  
5 28 unless the person provides a place of confinement for the  
5 29 exotic wild animal as provided in this section.

5 30 1. The person shall confine the exotic wild animal on the  
5 31 person's premises in a manner required by the department. The  
5 32 requirements shall be based upon the type of exotic wild  
5 33 animal kept by the person. However, the person shall maintain  
5 34 a primary and secondary enclosure.

5 35 2. The person shall not allow the exotic wild animal  
6 1 outside of its place of confinement, unless the exotic wild  
6 2 animal is moved pursuant to any of the following:

6 3 a. To receive veterinary care from a licensed  
6 4 veterinarian.

6 5 b. To comply with the directions of the department or an  
6 6 animal warden.

6 7 c. To move the exotic wild animal to another place of  
6 8 confinement on different premises.

6 9 d. To transfer ownership or possession of the exotic wild  
6 10 animal to another person.

6 11 3. In order to move an exotic wild animal, all of the  
6 12 following shall apply:

6 13 a. The person shall notify the department in writing  
6 14 within ten days after a change of address or location where  
6 15 the exotic wild animal is kept, including whether the person  
6 16 has transferred ownership or possession of the exotic wild  
6 17 animal to another person.

6 18 b. The exotic wild animal shall be accompanied by a  
6 19 license issued by the department as required pursuant to  
6 20 section 717F.4. The exotic wild animal shall be accompanied  
6 21 by a transportation certificate signed by a licensed  
6 22 veterinarian, departmental official, or animal warden  
6 23 authorizing the movement. The transportation certificate  
6 24 shall include information required by the department, which  
6 25 shall include at least all of the following:

6 26 (1) The date of execution of the transportation  
6 27 certificate and its expiration date.

6 28 (2) The name, driver's license number, and address of the  
6 29 person who owns or possesses the exotic wild animal.

6 30 (3) The name and address of the shipper of the exotic wild  
6 31 animal, if other than the person who owns or possesses the  
6 32 exotic wild animal.

6 33 (4) The name and address of the person who is receiving  
6 34 the exotic wild animal, and the address of the destination.

6 35 c. The exotic wild animal shall be secured in a manner  
7 1 that prevents the exotic wild animal from causing injury to a  
7 2 person or animal, causing damage to the property of a person,  
7 3 or escaping.

7 4 4. A person transferring ownership or possession of an  
7 5 exotic wild animal shall file a transfer notice with the

7 6 department within ten business days after the transfer, in a  
7 7 manner and according to procedures required by the department.  
7 8 The transfer notice shall include all information required for  
7 9 the transferee to be issued a license pursuant to section  
7 10 717F.4. A person who transfers ownership or possession of an  
7 11 exotic wild animal is not liable for the transferee's failure  
7 12 to file an application for a license pursuant to section  
7 13 717F.4.

7 14 Sec. 9. NEW SECTION. 717F.9 ESCAPE OF AN EXOTIC WILD  
7 15 ANIMAL == PROHIBITION AND DUTY TO NOTIFY OF ESCAPE OR INJURY.  
7 16 1. A person shall not intentionally cause an exotic wild  
7 17 animal to escape from its place of confinement as provided in  
7 18 section 717F.8.

7 19 2. A person who owns or possesses an exotic wild animal  
7 20 shall immediately notify the department, an animal warden, or  
7 21 other local law enforcement official of any of the following:  
7 22 a. The escape of the exotic wild animal from its place of  
7 23 confinement.

7 24 b. Injury to a person or an animal not owned by the  
7 25 person, or damage to property not owned by the person, which  
7 26 is caused by the exotic wild animal.

7 27 Sec. 10. NEW SECTION. 717F.10 ENFORCEMENT.

7 28 The department is the principal agency charged with  
7 29 enforcing the provisions of this chapter. An animal warden,  
7 30 or an animal care provider or law enforcement officer as  
7 31 defined in section 717B.1, shall enforce this chapter as  
7 32 directed by the department.

7 33 Sec. 11. NEW SECTION. 717F.11 SEIZURE AND CUSTODY OF  
7 34 EXOTIC WILD ANIMALS == INSPECTION OF PREMISES.

7 35 1. Except as provided in subsection 2, the department  
8 1 shall seize and maintain custody of an exotic wild animal  
8 2 which is owned or possessed by a person if the person is not  
8 3 in compliance with the requirements of this chapter.

8 4 2. The department may provide that a person who owns or  
8 5 possesses an exotic wild animal take or retain possession of  
8 6 the exotic wild animal upon conditions required by the  
8 7 department. During that period, the person shall take all  
8 8 necessary actions to comply with this chapter. The department  
8 9 shall inspect the premises where the exotic wild animal is  
8 10 confined. An inspection shall be conducted during reasonable  
8 11 times. If the person fails to comply with this chapter or the  
8 12 conditions of the department, the department shall seize the  
8 13 exotic wild animal.

8 14 Sec. 12. NEW SECTION. 717F.12 DISCIPLINARY ACTION.

8 15 The department may refuse to issue a license to an  
8 16 applicant, or suspend or revoke a license issued to an  
8 17 applicant, for a violation of this chapter, including for the  
8 18 refusal or failure of a licensee to obey the directions of the  
8 19 department.

8 20 Sec. 13. NEW SECTION. 717F.13 EXEMPTION == FEDERAL  
8 21 LICENSURE.

8 22 This chapter does not apply to a person who keeps an exotic  
8 23 wild animal pursuant to a license issued to the person by the  
8 24 federal government, including by the United States department  
8 25 of agriculture as provided in 9 C.F.R. ch. I.

8 26 Sec. 14. NEW SECTION. 717F.14 PENALTIES.

8 27 1. A person owning or possessing an exotic wild animal who  
8 28 violates a provision of this chapter is subject to a civil  
8 29 penalty of not less than one hundred dollars and not more than  
8 30 five hundred dollars for each exotic wild animal involved in  
8 31 the violation. The civil penalties shall be deposited into  
8 32 the general fund of the state.

8 33 2. A person who intentionally causes an exotic wild animal  
8 34 to escape in violation of this chapter is guilty of a simple  
8 35 misdemeanor.

9 1 EXPLANATION

9 2 This bill creates new Code chapter 717F providing for the  
9 3 regulation of exotic wild animals which are defined to include  
9 4 lions and tigers, bears and pandas, and gorillas and  
9 5 chimpanzees, or the offspring of those animals.

9 6 The bill provides that the Code chapter is to be  
9 7 administered by the department of agriculture and land  
9 8 stewardship. The department may enter into agreements with  
9 9 other local or state agencies in order to administer the  
9 10 provisions.

9 11 The bill provides that a person cannot acquire ownership or  
9 12 possession of an exotic wild animal unless the person meets  
9 13 age requirements and has not been convicted of a criminal  
9 14 offense concerning animal neglect or cruelty.

9 15 The bill provides that a person cannot own or possess an  
9 16 exotic wild animal unless the person is issued a license by

9 17 the department, and requires the department to adopt forms for  
9 18 licensure. The license is issued on an annual basis. The  
9 19 licensee must pay a \$25 license fee to the department, which  
9 20 is appropriated to the department for the general  
9 21 administration of its operations and regulation of its  
9 22 programs.

9 23 The bill provides that a person cannot own or possess an  
9 24 exotic wild animal unless the person files proof of financial  
9 25 responsibility with the department. The proof of financial  
9 26 responsibility may be in the form of an insurance policy,  
9 27 letter of credit, or a surety bond for an amount of not less  
9 28 than \$100,000.

9 29 The bill provides that the person must have a plan of  
9 30 veterinary care which includes animal health schedules and  
9 31 routine and emergency veterinary visits or consultations.

9 32 The bill exempts a person who has been issued a license by  
9 33 the United States government from the requirements of its  
9 34 provisions.

9 35 The bill provides that the person must provide for the  
10 1 identification of the exotic wild animal in the form of an  
10 2 electronic identification device implanted beneath the skin or  
10 3 hide of the exotic wild animal or an alternative  
10 4 identification device, including a tag, which is attached to  
10 5 the exotic wild animal as determined by a licensed  
10 6 veterinarian.

10 7 The bill provides that a person who owns or possesses an  
10 8 exotic wild animal must confine the exotic wild animal on the  
10 9 person's premises in a manner required by the department,  
10 10 which must include an enclosure. The bill places a number of  
10 11 restrictions upon the movement of an exotic wild animal (e.g.,  
10 12 to receive veterinary care, to comply with the directions of  
10 13 the department, to move the animal to another place of  
10 14 confinement, or to transfer ownership or possession to another  
10 15 person). The bill requires that the exotic wild animal be  
10 16 accompanied by a transportation certificate authorizing the  
10 17 movement.

10 18 The bill provides a person shall not intentionally cause an  
10 19 exotic wild animal to escape from its place of confinement. A  
10 20 person who owns or possesses an exotic wild animal must  
10 21 immediately notify the department, an animal warden, or other  
10 22 local law enforcement official of an escape or if the exotic  
10 23 wild animal has caused injury to a person or animal or damage  
10 24 to property.

10 25 The bill provides that the department must seize an exotic  
10 26 wild animal which is kept in violation of the bill's  
10 27 provisions. The department may allow the person to take or  
10 28 retain possession of the exotic wild animal upon conditions  
10 29 required by the department. The department may refuse to  
10 30 issue a license to an applicant, or suspend or revoke a  
10 31 license issued to an applicant, for a violation of the bill's  
10 32 provisions. A person who violates a provision of the bill is  
10 33 subject to a civil penalty of not less than \$100 and not more  
10 34 than \$500 for each exotic wild animal involved in the  
10 35 violation. A person who intentionally causes an exotic wild  
11 1 animal to escape is guilty of a simple misdemeanor. A simple  
11 2 misdemeanor is punishable by confinement for no more than 30  
11 3 days or a fine of at least \$65 but not more than \$625, or by  
11 4 both.

11 5 LSB 1602YH 82  
11 6 da:nh/es/88